

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

United States of America, *et al.*,

Plaintiff,

v.

Google LLC

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

The Honorable Leonie M. Brinkema

**DECLARATION OF RON DAVIS IN SUPPORT OF NON-PARTIES OMNICO
GROUP INC., DDB WORLDWIDE COMMUNICATIONS GROUP LLC, GSD&M
LLC, PORTER NOVELLI INC., AND OMD USA LLC'S MOTION TO SEAL
CERTAIN TRIAL EXHIBITS**

DECLARATION OF RON DAVIS

I, Ron Davis, declare as follows:

1. I am the Senior Vice President, Lead Contracts Officer, Team DDB at DDB Chicago Inc. (“DDB”), a subsidiary company of Omnicom Group Inc. (“Omnicom”). I have personal knowledge of the facts set forth herein and if called as a witness could and would testify competently to them. I make this declaration in support of Omnicom’s Motion to Seal Certain Trial Exhibits.

2. DDB is an integrated creative advertising agency that creates advertising and marketing campaigns on behalf of clients. These campaigns are designed to meet each client’s specific business or awareness goals and are a product of extensive client input, market research and creative brainstorming. As a subject matter expert in the creative advertising and marketing space, DDB is intimately familiar with the platforms, products, and tools available to advertising and marketing clients.

3. I have been the lead contracts expert on the Army’s account with DDB for the last five years. As part of my responsibilities, I manage contracts for an integrated team of ten agencies providing media, advertising and marketing services for the Army. Prior to my time in the private sector, I served twenty-one years in the U.S. Army and Ohio Army National Guard, retiring as a Major in 2006.

4. DDB’s partnership with the Army began in 2018 when DDB submitted a bid as the prime contractor in response to the Army’s open competition for full-service media planning/buying, advertising and marketing services. In submitting its bid, DDB leveraged its (and its team members’) expertise in the industry to create competitive spending allocations and recommendations across media, advertising and marketing channels. The substance of these

recommendations make up a proposed full-service media, advertising and marketing plan and determine what DDB is then authorized by the Army to spend. This proprietary information plays a significant role in DDB's success in the industry.

5. Defendant's Trial Exhibit No. 378 (DTX 378) is an actual procurement contract from the Army authorizing a five-year contract with DDB for its media, advertising and marketing services. The itemized pricing set out in this contract represents DDB's proprietary, confidential, and competitively sensitive winning bid for the Army's business.

6. Defendant's Trial Exhibit No. 1113 (DTX 1113) is an email that attaches a document consisting of a report by DDB seeking an equitable adjustment to the Army's approved budget for an Advertising, Media, and Events campaign that ran from 2019 to 2020. This report provides an in-depth explanation of the technical aspects relating to how DDB executes a media, advertising, and marketing plan for the Army, outlining budget considerations and spend patterns. These itemized costs reflect exact investment amounts that DDB was authorized to execute on behalf of the Army pursuant to the scope of work. This information represents DDB's confidential investment strategy in relation to DDB's media, advertising and marketing plan devised for the Army.

7. Defendant's Trial Exhibit No. 1299 (DTX 1299) is an email that attaches a letter from DDB relating to DDB's request for an equitable adjustment to the Army's approved budget for an Advertising, Media, and Events campaign that ran from 2019 to 2020. This letter provides an in-depth explanation of the technical aspects relating to how DDB executes a media, advertising, and marketing plan for the Army, outlining budget considerations and spend patterns. These itemized costs reflect exact investment amounts that DDB was authorized to execute on behalf of the Army pursuant to the scope of work. This information represents DDB's confidential

investment strategy in relation to DDB's media, advertising and marketing plan devised for the Army

8. Defendant's Trial Exhibit No. 1333 (DTX 1333) includes an amended procurement contract and funding award from the Army authorizing an increase in DDB's approved budget for its national media talent and furnishings campaign on behalf of the Army for 2022. The itemized pricing set out in this contract represents DDB's proprietary, confidential, and competitively sensitive winning bid for the Army's business. This information represents DDB's confidential investment strategy in relation to DDB's media, advertising and marketing plan devised for the Army.

9. The fixed monthly and annual cost pricing set forth in DDB's winning bid and the final investment costs reflect DDB's recommended optimal mix of media, advertising and marketing strategies required to meet the Army's recruitment goals. Public disclosure of these specifics, particularly the spend amounts, would be detrimental to both the Army and DDB. DDB's discussions, analyses, and calculations relating to these spend proposals, including final bid amounts, have substantial economic and competitive value to DDB. DDB spends a significant amount of money and resources to develop the specialized knowledge of the media, advertising and marketing marketplace required to create its commercially competitive spend proposals.

10. Public disclosure of this contract and the information contained within it would be detrimental to both the Army and DDB. Public disclosure would reveal confidential Army information and provide insight into their recruitment strategies and objectives, which are shaped by the work of DDB. Public disclosure of the Army's specific mix of media, advertising and marketing personnel investments would provide competing recruiting entities and DDB's competitors an inside look into how DDB operationalizes a full-service media, advertising and

marketing account for specific clients. This is the exact sort of analysis and planning upon which DDB competes to remain competitive in the market.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 25, 2024, in Chicago, Illinois.

A handwritten signature in cursive script, appearing to read "Ron Davis", is positioned above a horizontal line.

Ron Davis